REMARKS

Claims 1-68 are pending in the present application. In the above amendments, claims 1, 5, 6, 28, 29, 30, 31, 32, 39, 40 , 41, 42, 44, 45, 56, 57, 59, 61, 63, 64, 66, 67, 68 have been amended and claims 3 and 4 have been canceled without prejudice.

In the Office Action mailed 04/20/2006, the Examiner rejected claims 1, 2, 6-8, 10, 30, 32-38, 59 and 60 under 35 U.S.C. §103(a) as being unpatentable over Numminen et al. (U.S. Patent No. 6,687,499), hereinafter referred to as Numminen.

The Examiner rejected claims 5 and 9 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Funk et al. (U.S. Patent No. 6,766,164), hereinafter referred to as Funk.

The Examiner rejected claims 24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Buchholz et al. (U.S. Patent No. 5,555,266), hereinafter referred to as Buchholz.

The Examiner rejected claims 29, 31, 39, 45, 50-52, 54-58, 61-63, 65, 67, and 68 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi et al. (U.S. Patent No. 6,333,932), hereinafter referred to as Kobayasi, in view of Ikeda et al. (U.S. Patent No. 5,636,212), hereinafter referred to as Ikeda.

The Examiner rejected claim 46 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi, in view of Ikeda.

The Examiner rejected claims 11-13, 15-20, 22, 23, 25-27 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi, in view of Ikeda.

The Examiner rejected claims 40-43, 44, 64 and 66 under 35 U.S.C. 103(a) as being unpatentable over Numminen, in view of Oommen et al. (U.S. Patent No. 6,799,203), hereinafter Oommen.

Claims 14, 21, 47-49, 53 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants respectfully respond to this Office Action.

Claims 1, 2, 6-8, 10, 30, 32-38, 59 and 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Numminen. The office action states that Numminen teaches "receiving a first message having included therein test settings for one or more channels comprising traffic channels, auxiliary channels or a combination thereof" as recited in claim 1. Specifically, the office action contends that the statement in Numminen, "test mode means that the mobile station to be tested is instructed to maintain a connection on a certain transmission channel" discloses "test settings for one or more channels" as recited in claim 1. For clarification, claim 1 has been amended to recite "A method for testing a plurality of channels... wherein different modes of testing are supported, and the testing varies for each one or more channel" and further "receiving test packets via a forward traffic channel based on the supported mode of testing."

This is not disclosed by Numminen. Specifically, Numminen teaches "a pseudorandom bit sequence or other test sequence which is packed into downlink frames and sent to a mobile station... *a circuit is included in the mobile station which is capable of producing the same test sequence as the simulation system. Thus the mobile station receiving downlink test data know bit by bit what the received test data frames should contain.*" Col. 2, lines 39-46. In other words, the testing is based on a test circuit in the mobile and various tests are not provided for various channel types. Applicants' respectfully assert that amended claim 1 is now in condition for allowance. Claim 2 depends from amended claim 1 and is thus allowable for at least the same reasons as amended claim 1.

Claim 6 has been amended to recite "wherein the parameter values comprise at least one of a) a serving sector from which the first data transmission was received, b) a sequence number of the first data transmission, and c) a length of the first data transmission." Claim 6 as amended is not disclosed by Numminen. Thus amended claim 6 is now in condition for allowance. Claims 7 and 8 depend from amended claim 6 and are also now in condition for allowance. Claim 10 also depends from amended claim 6 and is allowable for at least the same reasons as claim 6.

Claim 30 has been amended to recite "sending a first data transmission via a first channel, wherein the first data transmission comprises test packets" and "receiving a second data transmission via a second channel, wherein the second data transmission includes parameter values descriptive of the first data transmission and further comprises a record for each test packet correctly received." Numminen fails to disclose the transmission of a second data

transmission comprising a record for each test packet correctly received. Applicants' contend that amended claim 30 is now in condition for allowance.

Regarding claim 32, the office action claims that Numminen teaches "transmit signaling data via traffic or one or more auxiliary channels" as claimed in claim 1 where Numminen states "a mobile station can operate on data, traffic and control channels" in col. 11, lines 4-6. For clarification, claim 32 has been amended to recite "configuring each auxiliary channel based on test settings applicable to the auxiliary channel, wherein the test setting for each channel varies." This is not taught by Numminen. Applicants' respectfully assert that amended claim 32 is now in condition for allowance. Claims 33-38 depend from amended claim 32 and are allowable for at least the same reasons as claim 32.

Claim 59 recites "receiving a plurality of test packets *at a plurality of rates* on the reverse traffic channel" and "updating a plurality of variables maintained for the plurality of rates based on the rates of the received test packets." This is not taught by Numminen. Applicants' respectfully assert that claim 59 is allowable. Claim 60 depends from claim 59 and is allowable for at least the same reason.

The Examiner rejected claims 5 and 9 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Funk. Claim 5 amendments are similar to claim 1 amendments, stating "wherein the test settings support different modes of testing and the testing varies for each type of channel." Amended claim 5 is allowable for at least the same reasons as amended claim 1. Claim 9 depends from amended claim 6 above and is allowable for at least the same reasons as claim 6.

The Examiner rejected claims 24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Buchholz. Claim 28 amendments are similar to claim 6 amendments, stating "wherein the parameter values comprise at least one of a) a serving sector from which the first data transmission was received, b) a sequence number of the first data transmission, and c) a length of the first data transmission." This is not taught by the cited references, Numminen nor Buchholz. Thus amended claim 28 is now in condition for allowance. Claim 24 depends from amended claim 6 and is allowable for at least the same reasons as claim 6 and 28.

The Examiner rejected claims 29, 31, 39, 45, 50-52, 54-58, 61-63, 65, 67, and 68 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi et al. Ikeda.

Claim 29 has been amended to recite "wherein the test packets support various modes of testing the one or more channels." Claim 29 as amended is not taught by a combination of Numminen, Kobayasi and Ikeda. Amended claim 29 is therefore now in condition for allowance.

Claim 31 and claim 39 amendments are similar to claim 29 amendments, and recite "wherein the test packets support various modes of testing the one or more channels." This is not taught by a combination of Numminen, Kobayasi and Ikeda. Thus, amended claims 31 and 39 are now in condition for allowance.

Regarding claim 45, the office action states "Numminen does not explicitly teach 'selecting rates for the test packets based on a rate selection scheme, and transmitting the test packets at the selected rates on the traffic channel.'" Further, the office action claims that claim 45 is taught by Kobayasi which states "loopback of a test cell is done in a 156 Mbps cell highway." Applicants' fail to see how "loopback of a test cell is done in a 156 Mbps cell highway" teaches a *rate selection scheme* as claimed in claim 45. Applicants' respectfully assert that claim 45 is not taught by a combination of Numminen and Kobayasi. Claims 50-55 depend from claim 45 and are allowable for at least the same reasons as claim 45.

The Examiner rejected claim 46 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi, in view of Ikeda. A combination of the cited references fails to teach a *rate selection scheme* as claimed in claim 45. Claim 46 depends from claim 45 and comprises the same limitations as claim 45. Claim 46 is allowable for at least the same reasons as claim 45. Claim 56 is similar to claim 45, reciting "select rates for the test packets based on a rate selection scheme" Claim 56 is not taught by the cited references, and is allowable for the same reasons stated above regarding claim 45 and 46.

Claim 57 recites "receiving a first message having included therein a minimum and maximum rate for data transmission on the reverse traffic channel." The office action states that "Numminen in view of Kobayasi does not explicitly teach a message having maximum and minimum rate for rate selection." The office action states further that this is taught by Ikeda, which refers to a maximum bandwidth and a minimum bandwidth. Applicants' respectfully disagree with the office action that the aspect of claim 57 reciting "a minimum rate and a maximum rate for data transmission on the reverse traffic channel" is taught by Ikeda. Ikeda teaches burst-level bandwidth allocation in an ATM network, wherein a *source terminal*

reserves, before a burst transmission, bandwidths according to a peak rate of the burst and then sends the burst therethrough. Specifically, Ikeda discloses a burst level bandwidth reservation method for transmitting a burst of data cells from a source terminal to a destination terminal in an ATM mode network. Col. 9, lines 8-10; col. 2, lines 5-29. Ikeda does not teach a minimum rate and a maximum rate ...on the reverse traffic channel. Applicants' respectfully assert that claim 57 is not taught by a combination of the cited references. Claim 58 depends from claim 57 and is allowable for at least the same reasons.

Claims 61, 63, 67 and 68 have been amended to recite "channel wherein the test packets support various modes of testing the one or more channels." This is not taught by a combination of the cited references. Thus, claims 61, 63, 67 and 68 are now in condition for allowance. Claim 62 depends from amended claim 61 and is allowable for at least the same reasons.

The Examiner rejected claims 11-13, 15-20, 22, 23, 25-27 under 35 U.S.C. §103(a) as being unpatentable over Numminen, in view of Kobayasi, in view of Ikeda. These claims depend from amended claim 6 and are allowable for at least the same reasons as amended claim 6.

The Examiner rejected claims 40-43, 44, 64 and 66 under 35 U.S.C. 103(a) as being unpatentable over Numminen, in view of Oommen.

Claim 40 has been amended to recite "collecting a first statistic for a first parameter while in an Idle State" and "collecting a second statistic for a second parameter while in a Connected State." As stated in Applicants' specification, "[t]he Idle and Connected States are terminal operating states in an Air Link Management Protocol" in a document "... 3GPP2 C.S0024, entitled 'cdma2000 High Rate Packet Data Air Interface Specification.' " This is not taught by Numminen nor by Oommen. Amended claim 40 is now in condition for allowance. Claims 41-43 depend from amended claim 40 and are also now in condition for allowance. Claim 44 has been similarly amended and is allowable for at least the same reasons.

Regarding claim 64, the office action states Numminen teaches a receive data processor, a transmit data processor and a controller. However, Numminen fails to disclose "a receive data processor operative to receive a first message having included therein a minimum rate and a maximum rate for data transmission on a reverse traffic channel" as claimed in claim 1. Further, Numminen fails to disclose "each test packet includes a sequence number of a test packet last transmitted at each of a plurality of possible rates, and to select rates for the test packets based on

a rate selection scheme and limited by the minimum and maximum rates." This is not taught by Oommen. Thus, a combination of the cited references fails to disclose all the elements of claim 64.

Regarding claim 66, a combination of the cited references fail to disclose "means for receiving a first message having included therein a minimum rate and a maximum rate for data transmission on a reverse traffic channel." Further, "means for selecting rates for the test packets based on a rate selection scheme and limited by the minimum and maximum rates" is not disclosed by a combination of the cited references. Applicants' respectfully assert that claim 66 is in condition for allowance.
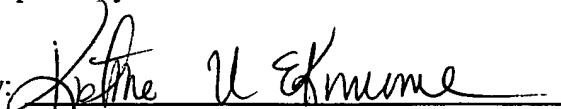
REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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